

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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In re BAIR HUGGER FORCED AIR  
WARMING DEVICES PRODUCTS  
LIABILITY LITIGATION

MDL No. 15-2666 (JNE/DTS)

This Document Relates to:  
Cases Listed in Exhibit A

**DEFENDANTS' MOTION TO  
DISMISS FOR FAILURE TO  
COMPLY WITH PRETRIAL  
ORDER NO. 14, FED. R. CIV. P.  
41(B), OR FOR FAILURE TO  
PROSECUTE**

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Pursuant to Pretrial Order No. 14 and Federal Rule of Civil Procedure 41(b), Defendants 3M Company (“3M”) and Arizant Healthcare Inc. (“Arizant”) (collectively, “Defendants”) respectfully move the Court to dismiss all of the actions without asterisks listed in **Exhibit A** in their entirety with prejudice, and, similarly, to dismiss the loss-of-consortium plaintiffs only, with prejudice, in the actions identified with asterisks listed in **Exhibit A** for failure to comply with Pretrial Order No. 14, and Fed. R. Civ. P. 41(b).

As set forth in the accompanying Memorandum of Law, there are three categories of cases where plaintiffs are noncompliant with PTO 14: (i) cases where plaintiffs have failed to serve a Plaintiff Fact Sheet (“PFS”); (ii) cases where the plaintiff (either the primary plaintiff, or loss-of-consortium plaintiff failed to sign and verify the information contained in the PFS; and (iii) cases where the plaintiff has not provided an executed medical authorization form. Dismissal of these cases with prejudice is therefore appropriate under PTO 14, ¶ 8, and Defendants respectfully request the Court to grant their motion

regarding the same. The above-referenced matters have failed to meet the requirements of this Court's Orders and the Federal Rules of Civil Procedure, and dismissal is appropriate.

Dated: February 26, 2025

Respectfully submitted,

s/Benjamin W. Hulse

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